

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

FERNANDO CHACON,

Plaintiff,

v.

CV 09-0760 MCA/WPL

CITY OF SUNLAND PARK,  
NEW MEXICO, et al.,

Defendants.

**ORDER DENYING MOTION FOR WITHDRAWAL OF COUNSEL**

Attorney Santiago D. Hernandez has filed a Motion seeking to withdraw as local counsel for Plaintiff Fernando Chacon. (Doc. 89.) As grounds for his Motion, Mr. S. Hernandez states that “[t]here has been a discord of conflict of personalities that has arisen between the Defendant and the Undersigned Attorney.” (Id. at 1.) He further represents that a copy of the Motion was delivered to his client. There are several problems with this Motion.

Most significantly, Mr. S. Hernandez is local counsel for the Plaintiff, and so he is the associate of non-Federal Bar member Arturo Hernandez. D.N.M.LR-Civ. 83.3 requires that the Federal Bar member “continue in the action unless another Federal Bar member is substituted.” Thus, Mr. S. Hernandez must continue to represent the Plaintiff as local counsel unless he moves to substitute another Federal Bar member.

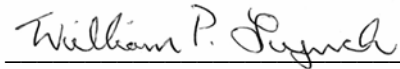
In addition, the Motion fails to comply with the requirements of a motion to withdraw appearance set out in D.N.M.LR-Civ. 83.8. The rule requires that a motion state whether it is opposed or unopposed. The additional requirements depend on whether the motion is opposed or

not. However, a motion that simply states a basis for withdrawal and that the client was served does not fully comply with the requirements for either type of motion to withdraw.

Finally, Mr. S. Hernandez asserted as grounds for his Motion that a conflict arose with “the Defendant.” Presumably this was a typographical error and counsel intended to state that there is a conflict between himself and the Plaintiff. However, by asserting a conflict with the opposing party as grounds for his Motion, Mr. S. Hernandez has failed to state a basis for withdrawal.

For these reasons, the Motion for Withdrawal of Counsel is DENIED.

IT IS SO ORDERED.

A handwritten signature in cursive script, reading "William P. Lynch", is positioned above a horizontal line.

William P. Lynch  
United States Magistrate Judge

A true copy of this order was served  
on the date of entry--via mail or electronic  
means--to counsel of record and any *pro se*  
party as they are shown on the Court's docket.